

Message Text

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17

ACTION EB-11

INFO OCT-01 EA-11 ISO-00 CAB-09 CIAE-00 COME-00 DODE-00

DOTE-00 INR-11 NSAE-00 RSC-01 FAA-00 SS-20 L-03 H-03

PA-04 PRS-01 USIA-15 SCCT-02 SY-04 USSS-00 IO-14

NSC-07 SP-03 AID-20 DRC-01 /141 W

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R 250403Z SEP 74

FM AMCONSUL MELBOURNE

TO SECSTATE WASHDC 2359

INFO AMCEMBASSY CANBERRA

UNCLAS MELBOURNE 1141

E.O. 11652: N/A

TAGS: EAIR, AS

SUBJECT: CIVAIR: 1974 ANTI-HIJACKING ACT

REF: (A) STATE 178085 AND (B) MELBOURNE 0972

1. FOLLOWING IS THE TEXT OF LETTER RECEIVED FROM R.D. PHILIPPS, DEPUTY SECRETARY, AIR TRANSPORT GROUP, IN RESPONSE TO DETAILS OF ANTI-HIJACKING ACT OF 1974 FORWARDED TO HIM ON AUGUST 15: IT SHOULD BE NOTED THAT PHILLIPS ASKS SPECIFIC QUESTIONS AND SEEKS SPECIFIC ADVICE ON CERTAIN PROVISIONS OF THE AMENDED ACT:

2. QTE THANK YOU FOR YOUR LETTER OF 15 AUGUST, 1974, WHICH REFERS TO THE RECENT PROMULGATION OF THE ANTI HIJACKING ACT OF 1974, AND THE CONSEQUENTIAL AMENDMENTS TO THE 1958 FEDERAL AVIATION ACT FLOWING THEREFROM.

I HAVE NOTED THE PROVISION CONTAINED IN SECTIONS 1114(A), 1114(B), 1115(A) AND 1115(B) OF THE ACT WITH INTEREST.

IN SECTION 1115(B) OF THE ACT, MENTION IS MADE OF "DOES NOT EFFECTIVELY MAINTAIN.....THAT ARE EQUAL TO OR ABOVE THE MINIMUM STANDARS WHICH ARE ESTABLISHED PURSUANT TOTHE CONVENTION ON INTERNATIONAL CIVIL AVIATION.....".

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WITH THE ADVENT OF ANNEX 17 TO THE CONVENTION ON INTER-

NATIONAL CIVIL AVIATION, CAN I TAKE IT THAT THE "MINIMUM STANDARDS" REFERRED TO IN THE ACT WILL BE THE STANDARDS AND RECOMMENDED PRACTICES OF THE NEW ANNEX? YOU WILL NO DOUBT KNOW THAT THE TITLE OF THE NEX ANNEX IS SECURITY-SAFEGUARDING INTERNATIONAL CIVIL AVIATION AGAINST ACTS OF UNLAWFUL INTERFERENCE AND THAT IT BECAME EFFECTIVE ON 22 AUGUST, 1974, AND IS FULLY APPLICABLE ON 27 FEBRUARY, 1975.

FOR YOUR INFORMATION WE HAVE ALREADY INDICATED, IN OUR COMMENTS ON ANNEX 17 TO THE ICAO SECRETARY-GENERAL, THAT THERE WILL BE NO "DIFFERENCES" BETWEEN AUSTRALIAN PRACTICES AND PROCEDURES INSOFAR AS AVIATION SECURITY MATTERS ARE CONCERNED AND THOSE CONTAINED IN ANNEX 17, AS AT 27 FEBRUARY, 1975.

ONE FURTHER MATTER ON WHICH I WOULD SEEK YOUR ADVICE IS THAT CONCERNING THE RELATIONSHIP OF THE PROVISIONS CONTAINED IN THE AMENDED ACT AND THOSE CONTAINED IN THE FAA NOTICE OF PRPOSED RULE MAKING 74/3. YOU WILL RECALL THAT NPRM 74/3 CALLED ON FOREIGN AIRLINE OPERATORS TO SUBMIT AN AVIATION SECURITY PROGRAMME TO THE FAA ADMINISTRATOR FOR APPROVAL. THE NPRM HAS NOT, AS YET, BEEN PROMULGATED AS A RULE.

DOES THE FAA STILL ENVISAGE A RULE BEING PROMULGATED WHEN COMPLIANCE WITH CHAPTER 6 OF ANNEX 17, WHICH REQUIRES FOREIGN OPERATORS TO SUBMIT TO THE GOVERNMENT OF THE STATE OF REGISTRY SUCH AN AVIATION SECURITY PROGRAMME, WOULD APPEAR TO BE THE BASIS ON WHICH YOUR GOVERNMENT COULD EXCHANGE WITH ANOTHER GOVERNMENT THE AVIATION SECURITY PROGRAMMES OF THE AIRLINES CONCERNED?

THANK YOU ONCE AGAIN FOR YOUR LETTER AND I HOPE THAT THE QUERIES I HAVE POSED ABOVE WILL NOT PUT YOU TO TOO MUCH TROUBLE IN SEEKING ANSWERS. END QTE.
BROWN

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